**Sample Form**

In the High Court of Judicature at…………..

Name and Address:………………………………………… Petitioner,

Versus

(1) President of Tribunal constituted under ……………}

Act, (add address) }

(2) Name/Add……………………………. } Respondents.

(3) ……… Improvement Trust (address) }

(4) Land Acquisition Officer………. }

Petition under Art. 226 of the Constitution of India for issue of a writ of certiorari to quash the order of respondent No. 1, dated…………. in Case No.. …….. of ……….

The petitioner abovenamed states as under :

1. That the petitioner is the grandson of Shri ……………………of ………….., and respondent No. 2 is the paternal uncle of the petitioner and is the son of Shri …………………….. aforesaid.

2. That Shri ………………………….. owned a house bearing Municipal No…….. in ward No…….. in the city of …….. as his self-acquired property. In the eastern half of the said house the respondent No. 2 was residing as a licensee at all material time since……. upto the death of Shri …………. on …………

3. That Shri …………… above named duly executed a will, dated…….. which was his last will and testament whereby he bequeathed the whole house to the petitioner as the absolute owner thereof and deprived the respondent No. 2 as having any interest therein.

4. That respondent No. 2 has been setting up a claim of adverse possession in respect of the said eastern half of the said house.

5. That on ………… respondent No. 3 initiated the proceedings for compulsory acquisition of the said house.

6. That respondent No. 4 assessed the compensation payable in respect of the acquisition of the said house at Rs. ……… under his award, dated………. in case No…….. of …….

7. That the petitioner claimed to be entitled to the whole of the said compensation, while respondent No. 2 claimed to be entitled to a moiety of the compensation assessed for the whole house by virtue of his alleged adverse possession.

8. That the matter was referred to the respondent No. 1 as President of the Tribunal constituted under the Act………. of …….. to decide the aforesaid rival claims.

9. That the first respondent held in case No. ………. of ………

(i) that the house was the self-acquired property of Shri …………… above named, which he had power to dispose of by will,

(ii) that Shri …………… disposed it of by his will, dated…….. duly executed,

(iii) that the 2nd respondent was originally a licensee in possession of the eastern half of the said house but was claiming adversely to the knowledge of Shri………… during his lifetime,

(iv) that the adverse possession of the 2nd respondent had ripened into absolute ownership before respondent No. 3 took over possession of the said house.

A true copy of the said order is filed herewith.

1. That the first respondent accordingly held that respondent No. 2 was entitled to a moiety of the compensation awarded by the 4th respondent.

2. That being aggrieved by the order of the 1st respondent, dated………. aforementioned, the petitioner approaches this Hon'ble Court for issue of a writ of certiorari to call for and quash the said order, dated………. passed in case No…….. of …… on the following among other

Grounds

(i) That there is an error apparent on the face of the record of respondent No. 1 inasmuch as on the finding of respondent No. 1, the possession of respondent No. 2 of the eastern portion of the house commenced as a licensee : that Shri ……….. had not done anything to terminate the licence, nor the licence had been determined in any other manner. That being so, the licensee who secured possession by leave could not, in law, be permitted to alter the character of such possession by his own assertions and claim to hold the land adversely to the licensor with a view to benefiting himself by recourse to the Limitation Act.

(ii) There could not, at any rate, be adverse possession till Shri ………… died on……. and the subsequent possession till the date of the award could not ripen into ownership.

(iii) That in competition with true ownership, the possession of the 2nd respondent even if adverse on the date of the reference could not, before it ripened into title, be considered as an interest to be compensated under the Land Acquisition Act.

(iv) For respondent No. 1 to have proceeded on the view that adverse possession commenced prior to the death of Shri …………… was to commit a palpable error of law which is patent in the order of respondent No. 1 without the necessity to review or reweigh the evidence.

3. It is, therefore, prayed that the order, dated………… passed by respondent No. 1 in case No………. of……….. be called for and quashed and such other order or direction as the Hon'ble Court may think appropriate and necessary in the circumstances of the case, be passed or given.

N.B. - An affidavit in support of the petition is also filed herewith.

Dated ………………..

(Sd.)

Petitioner.

(Sd.)

Advocate for the Petitioner.